United Nations

Daily Highlights

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WEDNESDAY HIGHLIGHTS

• International Tribunal for war crimes in former Yugoslavia could be created by Security Council resolution under Chapter VII of United Nations Charter, according to United Nations Legal Counsel; tribunal proposed by Secretary-General would deal with "ethnic cleansing", rape and other grave breaches of international humanitarian law.

• NATO is urged by Lord Owen, Co-Chairman for Yugoslav Conference, to conclude its planning exercise for Bosnia and Herzegovina as quickly as possible; calls for earliest possible deployment of troops there to implement peace plan.

• United Nations/OAS International Civilian Mission in Haiti seriously concerned over numerous and grave violations of human rights in that country, according to press release issued in New York and Port-au-Prince.

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The establishment of an international tribunal to prosecute war crimes in the former Yugoslavia on the basis of a Security Council resolution under Chapter VII of the United Nations Charter would be legally justified, United Nations Legal Counsel Carl-August Fleischhauer told correspondents today. In the normal course of events, such a body would be established by an international treaty or convention. However, Security Council resolution 808 (1993) had expressed the need for a tribunal which could become immediately effective.

The tribunal proposed by the Secretary-General in his report to the Council, dated 3 May, would deal with grave breaches of the 1949 Geneva Conventions, violations of the laws and customs of war, genocide and crimes against humanity, according to Mr. Fleischhauer. Its jurisdiction would thus cover all grave breaches of international humanitarian law in the former Yugoslavia, including "ethnic cleansing" and rape.

Persons committing such violations would be individually responsible; immunity would not bar prosecution, and superior orders would be no defence, he noted. There would be no trials in absentia. The tribunal could only

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impose sentences of imprisonment, as the death penalty was in dispute in Member States and in United Nations bodies.

States would be obliged to take whatever action was required to carry out the resolution creating the tribunal, Mr. Fleischhauer pointed out. The international tribunal proposed by the Secretary-General could work; whether it would work would depend on the will of the international community to follow the matter through.

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In Brussels today, the North Atlantic Treaty Organization (NATO) was urged by Lord Owen, Co-Chairman for the International Conference on former Yugoslavia, to conclude its planning exercise for the Secretary-General as quickly as possible, according to his spokesman, Fred Eckhard. Lord Owen also called for the earliest possible deployment of troops in Bosnia and Herzegovina to implement the peace plan.

Lord Owen held meetings today in the Belgian capital with NATO Secretary-General Manfred Worner and with representatives of NATO countries.

Meanwhile, Cyrus Vance, who is continuing his efforts to resolve the outstanding differences between Greece and the former Yugoslav Republic of Macedonia, met today at Headquarters with the Mecedonian Deputy Prime Minister and Acting Foreign Minister. Next week, the Foreign Minister of Greece and the Macedonian President would both be in New York for talks with the Co-Chairmen, the spokesman said.

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The International Civilian Mission in Haiti, a joint undertaking by the United Nations and the Organization of American States (OAS), is seriously concerned over the numerous and grave violations of human rights it has encountered in that country, according to a press release issued simultaneously in New York and Port-au-Prince by the Mission. The Mission has informed the Commander-in-Chief of the Haitian Armed Forces of its concern.

The Mission, which is mandated to verify respect for human rights, has also protested strongly to the military authorities the impediments it has experienced regarding direct and immediate access to places of detention.

The most serious human rights violations observed had been arbitrary detentions, systematic beatings and torture inflicted by members of the security force and those associated with them, the press release said. The Mission had also received information concerning cases of death following torture inflicted while in detention. The objective of such violations of the integrity and security of the person was to restrict, obstruct and deny freedom of opinion and expression, freedom of peaceable assembly and association.

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The Mission also reported numerous other cases of people harrassed and often beaten for simply having written or shouted slogans, for possessing pictures of President Aristide or for listening to foreign radio stations. Many journalists had been either harrassed, detained or threatened with the intent of obstructing the free exercise of their trade. Such actions violate fundamental rights recognized by the Haitian Constitution, the press release stressed.

In a related development, the Government of Japan has contributed $1 million to the Trust Fund for Haiti, recently established by the Secretary-General to meet costs of the International Civilian Mission, a United Nations spokesman said today.

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